

LOUISVILLE MUNICIPAL ZONING ORDINANCE

LOUISVILLE, TENNESSEE

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East Tennessee Region
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Chapters 2 through 13 contain the Louisville Municipal Zoning Ordinance as adopted under the Tennessee Code Annotated, Title 13, Chapter 7. Chapter 1 is included in this document to provide information regarding the authority of the Louisville Municipal Planning Commission as created under the Tennessee Code Annotated, Title 13, Chapter 4.

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

11-101. Creation and Scope. In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, a municipal planning commission is hereby created and established as authorized by Tennessee Code Annotated 13-4-101 through 13-4-105 and said Commission shall be organized and empowered as follows.

11-102. Membership. The municipal planning commission shall consist of seven (7) members. One of the members shall be the mayor of the Town of Louisville or his/her designee. One shall be a member of the Board of Aldermen appointed by the mayor and the five (5) remaining members shall be citizens appointed by the mayor. The terms of the five (5) appointive members shall be for five (5) years, excepting that in the appointment of the first municipal planning commission under the terms of this chapter, each of the five (5) members shall be appointed for a term of one, two, three, four, or five years. Any vacancy in any appointive membership shall be filled for the unexpired term by the mayor. The terms of the mayor and the member selected from the Board of Aldermen shall run concurrently with their membership on the Board of Aldermen. All members shall serve without compensation.

11-103. Organization, Rules, Staff, and Finances. The municipal planning commission shall elect its chairman from among its appointive members. The term of the chairman shall be one year with eligibility for re-election. The commission shall adopt rules for its transactions, findings, and determinations, and shall keep a record of same which record shall be a public record to be filed with the town clerk. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with town planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

11-104. Powers and Duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, the commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Code Annotated 13-4-101 through 13-4-105, and other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto.

CHAPTER 2

AUTHORITY, TITLE, AND PURPOSE

11-201. Authority. An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance; and, to prescribe penalties for the violation thereof.

11-202. Short Title. This ordinance shall be known as the "Zoning Ordinance of the Town of Louisville, Tennessee." The map herein referred to as the "Zoning Map of Louisville, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance. A copy of the zoning map is on file in the town hall.

11-203. Purpose. These zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities. They have been made with reasonable consideration among other things, as to the character of each district and its particular suitability for particular uses, and, with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

CHAPTER 3

DEFINITIONS

11-301. Interpretation of Defined Terms. Terms found in this ordinance for which definitions are set out in this chapter shall be interpreted as always having such meaning, unless the context within which such term is used clearly indicates otherwise.

11-302. Interpretation of Undefined Terms. Terms found in this ordinance for which no definition is included in this chapter shall be interpreted, if technical in nature, by reference to generally accepted planning, engineering, or other professional terminology; and if non-technical in nature, shall be interpreted according to common usage, unless the context within which such term is used clearly indicates otherwise. Certain undefined terms, however, shall be interpreted as follows, unless the context clearly indicates otherwise:

Tense; Number. Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

Shall; Should; May. The word "shall" is mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like character.

Measurement of Distances. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

Day. Unless otherwise specified, the term "day" shall mean calendar day.

Used; Constructed. The word "used" shall be deemed also to include designed, intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated, or removed.

Land Use. The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

State; County. The word "State" means the State of Tennessee and its authorized agents. The word "County" means the County of Blount, Tennessee, and its authorized agents.

11-303. Terms.

ABANDONED VEHICLE: A vehicle or implement which has become inoperative and is not being maintained for repair, restoration, or cannibalization stored outdoors without adequate screening.

ANGLED PARKING SPACE: *(As amended by ordinance no. 2006-2) Any parking space that is not parallel to the curb or driving aisle.*

BILLBOARD: Any off-premises sign (see definition under "sign") or an on-premise sign (see definition under "sign") exceeding thirty-two (32) square feet in area.

BED AND BREAKFAST INN: A building containing a single dwelling unit occupied by the owner or innkeeper and not more than five (5) guest rooms where lodging is provided with or without meals for compensation.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

BUILDING OR USE, ACCESSORY: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.

BUILDING, PRINCIPAL: A building in which the principal use of the lot on which the building is located is conducted.

BUILDING HEIGHT: The vertical distance measured from the finished grade at any building line to the highest point of the roof; provided that where land is subject to required minimum flood elevations, the building height shall be measured from such required elevation.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

DAY CARE CENTER: An establishment which receives for care and supervision five (5) or more children or adults for less than 24 hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, nursery schools and play schools, and kindergartens. The care of four (4) or fewer children shall be considered as a home occupation.

DEGREE OF ANGLED PARKING: *(As amended by ordinance no. 2006-2) The acute angle between the curb and a line parallel to the side stripes of the parking spaces. If no curb is in place, the degree of parking equals the angle between a line parallel to the side stripes of the parking spaces and a line that connects the front passenger-side corners of the parking spaces.*

DWELLING: A building containing one (1) or more dwelling units. The term does not include travel trailers, tents, hotels or motels, or similar structures designed for transient purposes.

DWELLING, DUPLEX: A building designed, constructed, or reconstructed and used for two (2) dwelling units that are connected by a common structural wall. For the purposes of this ordinance, the placement of two (2) or more duplexes upon one (1) lot shall be defined as a Planned Unit Development (PUD).

DWELLING, MOBILE HOME: A residential unit designed and intended for occupancy by one (1) family and having all of the following characteristics: contains sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; is designed to be transported after fabrication on its own wheels on a single chassis; arrives at the site where it is to be occupied as a complete dwelling ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like; and is designed so it can be removed and installed at other sites. For the purposes of this ordinance, a "single-wide" mobile home shall be considered as defined under this definition.

DWELLING, MANUFACTURED/MODULAR: A dwelling composed of two (2) or more transportable factory-fabricated units that when assembled at a building site will become a finished permanent dwelling in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at a building site. A "double-wide" mobile home placed upon a permanent foundation and having the appearance of a site built home shall be regarded as a manufactured/modular dwelling.

DWELLING, MULTI-FAMILY: A building containing three (3) or more separate rental or owner-occupied dwelling units located on a single lot.

DWELLING, SINGLE FAMILY: A building designed, constructed and used for one (1) dwelling unit. In accordance with the provisions of 13-24-201, Tennessee Code Annotated, a manufactured/modular dwelling, as defined in this ordinance, shall be considered as a single family dwelling.

DWELLING, SINGLE FAMILY WITH ACCESSORY APARTMENT: A building having the external appearance of a single-family residence or one of its customary accessory buildings, such as a garage, but in which there is located a second dwelling unit, subordinate in size to the primary dwelling unit. For the purposes of this ordinance, a single family dwelling with an accessory apartment shall not be considered a duplex.

DWELLING UNIT: One (1) or more rooms which is/are arranged, designed, and intended for use as an independent living facility by one (1) person, or a group of persons living together as a single housekeeping unit, containing permanent provisions for cooking, and sanitation.

FAMILY: One or more persons occupying a dwelling unit and living together as a single housekeeping unit.

FLEA MARKET: Any premises where the principal use is the sale of new and/or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser in open air or partly enclosed booths or stalls not within a wholly enclosed building.

FRONT YARD: See Yard, Front.

GARAGE OR YARD SALE: A sale, held for no more than seven (7) consecutive days no more often than once every six (6) months, for the purpose of disposing of surplus household items. Sales activities at residences not meeting the intent of this definition shall be considered either as a home occupation or commercial activity and shall be subject to regulation and/or prohibited in accordance with the provisions of this ordinance.

GRAND OPENING: *(As amended by ordinance no. 2006-5) A promotional event used by newly established businesses within two months after initial building occupancy, to inform the public of their location and services available to the community. The term does not include annual or occasional promotion of retail sales by a business.*

HAZARDOUS SUBSTANCE: Any material which is listed and/or regulated as such by the Environmental Protection Agency or other recognized authority.

HAZARDOUS WASTE: Any by-product or residue resulting from use or storage of a hazardous substance.

HEALTH DEPARTMENT: The Blount County Department of Environmental Health.

HEAVY MANUFACTURING: See Manufacturing, Heavy.

HOME OCCUPATION: A use of a dwelling unit or customary accessory buildings for an occupation conducted by a resident thereof and which is clearly incidental to use of the structure for residential purposes, does not change the character thereof, and is otherwise allowed under provisions of this ordinance.

JUNKYARD: The use of any land, for the parking, storage, keeping, disassembly, demolition, sale, or abandonment of junk, including scrap metals or other scrap materials, waste paper, rags, used building materials, old household appliances, junked, wrecked or inoperative automobiles, or other vehicles or machinery or parts thereof, and similar materials.

The term junkyards shall not be deemed to apply to outside storage permitted as an accessory use to pawn shops, antique stores, or to the sale of operative and usable used vehicles, equipment, furniture, or household goods and appliances.

LANDFILL (SANITARY): An area or site used by a public or private entity for disposal of solid waste, demolition waste or refuse in a manner which complies with regulations imposed upon the operation and maintenance of such landfill sites by the Tennessee Department of Environment and Conservation.

LOT OF RECORD: A lot which is part of a subdivision plat recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective

date of this zoning ordinance; *except that*, lots created in violation of subdivision regulations shall not be deemed lots of record.

MANUFACTURING: The processing, fabricating, preparing, extracting, assembling, packaging, cleaning, servicing, testing or repairing of materials, products, or equipment on the premises of a manufacturing establishment as defined below.

HEAVY MANUFACTURING ESTABLISHMENT: Any premises where the principal use is manufacturing which may involve significant air, water, noise, radiation, or other pollution likely to substantially affect surrounding property uses such as, but not limited to the following: bulk storage of flammable, explosive, toxic, or noxious materials as a principal use; pulp paper or other chemical processing of raw wood materials; concrete mixing or batching plants; fertilizer or pesticide manufacture; quarrying or mining of stone, minerals, or other materials; and petroleum or asphalt refining or manufacturing.

LIGHT MANUFACTURING ESTABLISHMENT: Any premises where the principal use is manufacturing which complies with the use limitations and the purpose and intent of the Light Industrial District.

MEDICAL WASTE: Any discardable materials resulting from the medical treatment of humans or animals, including surplus unused materials, any item of bandaging or splinting material having been in intimate contact with an infection or injury, any instruments used to administer drugs or health care procedures, and empty containers.

MOBILE HOME PARK: A residential development owned by one person (or company) in which individual spaces and/or mobile homes (see definition) are leased to the occupants.

MODULAR DWELLING UNIT: See Dwelling, Manufactured/Modular.

MOTEL: See Hotel, Motel.

MULTI-FAMILY DWELLING: See Dwelling, Multi-Family.

NONCONFORMITY: A lot, structure, or use of land, or any combination thereof, which was lawful before this ordinance was passed or amended, but which would now be prohibited under the terms of this ordinance.

PARKING AISLE: (As amended by ordinance no. 2006-2) A vehicular traffic way or lane within an off-street parking area, used as a means of ingress and/or egress from parking spaces.

PLANNED UNIT DEVELOPMENT: A development which is professionally designed to allow flexibility and initiative in site and building design and location and in accordance with applicable provisions of this ordinance.

PUBLIC: When used in reference to any use, area, building, or structure, means held, used, or controlled exclusively for public purposes by a department or branch of government, without reference to the ownership of the building or structure or of the realty upon which it is situated.

SIGN: Any device or structure designed or used to attract the attention of persons for the purpose of communicating a message.

SIGN, OFF-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, ON-PREMISES: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered on the premises upon which such sign is located.

SIGN, TEMPORARY: A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SPECIAL EXCEPTION: A use, as may be identified as such in this ordinance, which would not be appropriate generally or without restriction throughout a particular district in which it is allowed but which, if controlled as to number, area, location, relationship to the neighborhood, mode of operation, size, design, appearance, or similar matters, could be made compatible with a district's permitted uses.

STREET: A strip of land intended for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, expressway, boulevard, or any other thoroughfare. The term street shall not be deemed to include alley, except as otherwise specifically provided herein.

STREET, PRIVATE: A street, way, or easement, not a component of the state or federal system or the town thoroughfare system.

STREET, PUBLIC: Any vehicular way, except alleys, which is owned and maintained by the town, state, or federal governments.

STREET LINE: The dividing line between a street and a lot. For public streets, the street line shall be the existing right-of-way line; for private streets, the street line shall be the edge of the improved roadway, or the edge of the legally described easement, whichever is greater; provided, however that on any streets exhibited in the Major Road Plan, the street line shall be the proposed right-of-way line in such plan, or the existing street right-of-way line, whichever is the greater distance from the center line established in such plan.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. Among other things, structures include buildings, walls, fences, and signs, but do not include paving and sidewalks.

SUBDIVISION REGULATIONS: The Subdivision Regulations of the Town of Louisville.

TEMPORARY USE: Any use which is not designed nor intended to be permanent in nature, and unless otherwise specified in this ordinance, shall not be permitted for a period over ninety (90) days.

TENNESSEE CODE ANNOTATED (TCA): The official compilation of the laws of the State of Tennessee.

USE: Any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

USE OR STRUCTURE, ACCESSORY: A use or structure which is clearly incidental to and customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; is located on the same lot as the principal use, and which is zoned to permit such use, or within the principal building on a lot when such an accessory use contributes primarily to the comfort and convenience of the owners, occupants, employees, customers, or visitors of the principal use.

USE, PRINCIPAL: The dominant, main, and chief use(s) of land or structures which provides the principal current utility to the property owner, as distinguished from accessory uses.

USE, TEMPORARY: See Temporary Use.

VARIANCE: A modification of the provisions of this ordinance when such modification will not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant occurring after the effective date of the ordinance, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

WAREHOUSE: Any premises where the principal use is storage of merchandise, products, or materials in bulk for a fee or charge or for distribution to other establishments operated by the same business enterprise or establishment. A warehouse may include accessory wholesale sales and retail sales as limited by other provisions of this ordinance, but shall not be deemed to include motor freight terminals, mini-warehouses or the bulk storage of flammable, explosive, toxic, or noxious materials as a principal use.

WHOLESALE SALES: The sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

YARD: Any area on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such area by the provisions of this ordinance. For the purpose of this ordinance, there shall be a distinction between "yard" and "minimum yard" or "required yard." The minimum or required yard requirements set forth in this ordinance represent that minimum distance which the principal building(s) shall set back from the respective lot lines or street line, as applicable.

YARD, FRONT: A yard extending across the full width of a lot, measured from and perpendicular to the front lot line, and extending to the principal building or structure.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group, and measured perpendicular from and along a line parallel with the rear lot line.

YARD, SIDE: A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be. The side yard shall be measured perpendicular from and along a line parallel with the side lot line.

CHAPTER 4

GENERAL PROVISIONS

11-401. Continuance of Nonconforming Uses and Structures. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this zoning ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. General. The Board of Zoning Appeals may permit an existing nonconforming use of a building to be changed to a nonconforming use of the same classification or to a nonconforming use of a more restrictive classification, subject to any conditions the Board of Zoning Appeals may attach in order to make such change compatible with surrounding uses.
2. Industrial, Commercial, and Business Nonconforming Uses. In accordance with the provisions of 13-7-208, Tennessee Code Annotated, nonconforming industrial, commercial, or business establishments shall be allowed to continue, to reconstruct facilities, including those which may be destroyed by fire or natural disaster, or to expand facilities so long as there is a reasonable amount of space to allow such expansion without creating a nuisance to adjoining property owners. Whenever a planned expansion or reconstruction would encroach into the required yards set out in this ordinance for the district within which such nonconforming use is located, the Board of Zoning Appeals shall rule upon the question of whether or not there is "reasonable space" to allow such expansion. Nothing in this subsection, however, shall be construed as allowing a nonconforming use to acquire additional land to permit expansion.
3. Residential Uses and Structures. Single family, duplex, and multi-family dwelling units which are located in any district where not now permitted, may be altered, enlarged, or reconstructed, including those which may be destroyed by fire or natural disaster, provided the number of dwellings is not increased. In the case of expansion to an existing residential structure, all expansions shall be accomplished so as not to encroach into the required yard setbacks for the district within which such expansion is planned. The alteration, expansion, or reconstruction of any structure located within the F-1, Flood Hazard District, however, shall be subject to the applicable location and construction requirements of that district.
4. Nonconforming Mobile Homes. Nonconforming mobile homes may be replaced with newer and more structurally sound mobile homes. Replacement of mobile homes within the F-1, Flood Hazard District, shall be subject to the applicable location and construction requirements of that district.

11-402. Discontinuance and Abandonment of Nonconforming Uses. When the following conditions have existed for a period of twelve (12) months, it shall be evidence of an intent to abandon a nonconforming use; and, no use of land or structures shall be undertaken thereafter unless it be in conformity with the provisions of the district within which such property is located.

1. Nonresidential Uses. No employees, customers, or clients are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to the

character and operation of the nonconforming use, and, no serious attempts are being made to market the property for sale for its former use.

2. Residential Uses. No residents, whether they be owners or tenants, are present, and no serious attempts are being made to market the property for sale for its former use.

11-403. Off-Street Automobile Parking.

1. Minimum Parking Requirements. Off-street parking spaces shall be provided when any building or structure is erected, enlarged, and/or increased in seating capacity. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below and shall apply regardless of whether the use is located on a public street or a private street or easement. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the planning commission. Each space shall conform to off-street parking lot design requirements as established in Section 11-405.
 - a. Automobile repair shop and/or truck repair: One (1) space for each employee plus one (1) space for each two hundred and fifty (250) square feet of floor space used for repair work.
 - b. Bed & Breakfast Inn: One (1) space for each room to be rented in addition to the two (2) spaces for the home.
 - c. Churches, Funeral Parlors, Theaters, and Other Places of Assembly: One (1) space for each four (4) seats in the main assembly area plus one (1) space per each employee.
 - d. Dwelling, single-family: Not less than two (2) spaces per dwelling unit.
 - e. Dwelling, multiple-family: Not less than two (2) spaces per dwelling unit.
 - f. Hotels/Motels: Not less than one (1) space for each room to be rented plus one (1) additional space per three (3) employees.
 - g. Mobile home parks: Two (2) spaces for each mobile home space plus one (1) per each employee.
 - h. Offices:
 - a. Medical - one (1) space for each three hundred (300) square feet of floor space.
 - b. Other professional - one (1) space for each four hundred (400) square feet of floor space.
 - c. General - one (1) space for each four hundred (400) square feet of floor space.
 - i. Restaurants: One (1) space per four (4) customers computed on a maximum service capacity, plus one (1) space for each two (2) employees.

- j. Retail business: Four (4) spaces for each one thousand (1,000) square feet of gross leasable area.
 - k. Schools: One (1) space for each faculty member, and five (5) additional spaces for visitor parking; plus one space for each four (4) pupils except in elementary and junior high schools.
 - l. Wholesale business: One (1) space for each three (3) employees based on maximum employment.
2. Remote Parking Space: If the off-street parking space required herein cannot reasonably be provided on the same lot on which the principal use is located, the planning commission may permit such space to be provided on other off-street property, provided such remote parking space is located within a zoning district which permits the same or similar uses to that use for which the parking is intended.

11-404. Off-Street Loading and Unloading Space. On every lot on which a business is hereafter established, adequate and safe loading and unloading space with access to a public street or alley shall be provided.

11-405. Off-Street Parking Lot Design Requirements.

- 1. Surfacing Requirements. *(As amended by ordinance no. 2006-1) All required parking and internal circulation areas shall be surfaced with asphaltic concrete, cement concrete, or other similar materials with a suitable stone base and six (6) inch curb unless one of the following conditions are met:*
 - a. *The parking lot serves a single-family residential home.*
 - b. *The reviewing body approves gravel or grassed parking lots for use by churches, places of worship, or places of public assembly where it is clear that such areas can be maintained such that adequate traffic control means will be provided for directing the flow of traffic and for parking, and that parking areas will be provided for all regular employees and visitors.*
 - c. *The reviewing body approves the use of gravel, brick pavers, or other similar pervious materials on those portions of a commercial or industrial lot where limited loading, unloading, commercial vehicle storage, or other similar low volume vehicular usage occurs. Areas which provide customer parking, circulation, and access shall not be exempted from the paving requirements.*
- 2. Location of Parking Spaces. Except as provided elsewhere in this ordinance, parking spaces may be located within any required yard, but not nearer to any street right-of-way than five (5) feet; and, shall be located so that no vehicle is required to back into a public street.

3. **Minimum Parking Space and Vehicle Circulation Aisle Size.** (As amended by ordinance no.2006-2) The minimum size for parking spaces and vehicle circulation aisles shall be as follows:

- a. Each space shall be a minimum of ten (10) feet in width by twenty (20) feet in length.
- b. Parking lot aisle widths in off-street parking lots shall conform to the following table:

Degree of Parking	Minimum Aisle Width in Feet			
	one way traffic accessing:		two way traffic accessing:	
	single row of spaces	two rows of spaces	single row of spaces	two rows of spaces
90	18	22	22	24
60	16	20	18	24
45	14	20	16	24
30	12	20	14	24

- c. If the degree of parking does not equal thirty, forty-five, sixty, or ninety degrees, the aisle width shall equal the measurements for the next largest angle listed in the table above. For example, parking angled at fifty degrees would require the same aisle widths as parking angled at sixty degrees.
 - d. Degree of parking and aisle width shall be judged according to the diagram in Appendix A. This diagram is intended solely to illustrate aisle extent and degree of parking; it is not to scale.
4. **Ingress/Egress.** Entrances and exits for all off-street parking lots shall comply with the requirements of Section 11-406 of this ordinance.
5. **Protection From Fixed Objects.** All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands designed so as to prevent intrusion by vehicles.
6. **Traffic Control Signs.** Signs, signals, and markings used to direct the movement of traffic within the parking lot shall be in conformance with the parking lot shall be in conformance with the Tennessee Manual on Uniform Traffic Control Devices. Where needed, size reduction of devices shall be approved; however, shape and color shall meet the requirements of the manual.
7. **Landscaping.** Landscaping shall be installed as provided for in Section 11-410,2 and Section 11-411,2,b.

8. *Handicapped Parking.* All off-street parking areas shall reserve spaces for use by disabled persons, except that no reserved spaces shall be required for one (1) and two (2) family dwellings. All handicapped parking spaces shall be a minimum of twelve (12) feet in width, adequately identified for handicapped use only, and located in a manner as to be approximate to the major facility, free from standing water, and situated in a way so that a handicapped individual will not have to walk or maneuver behind other parking cars.

11-406. Ingress/Egress Requirements. The following regulations are designed to protect and promote the safety of the traveling public while providing for adequate access of individual properties to the public streets in the town. No driveway or similar point of access onto a public street, for whatever purpose, shall be established until a permit be obtained for the same. As part of an application for a building permit, the applicant shall include an ingress/egress plan which meets the requirements of this section. For uses requiring a site plan or PUD plan, the ingress/egress plan shall be a part of such plan. Uses which wish to have access onto a state/federal highway will need to also obtain an access permit from the Tennessee Department of Transportation, (TDOT), and the property owner shall have the responsibility of coordinating his application for a TDOT permit with the building permit review process. Where there is conflict between these regulations and those of TDOT, the stricter shall apply.

1. *Driveway Entrance Location.*

- a. Driveway entrances shall be located to afford adequate sight distance for traffic entering onto or exiting from the street to which such driveway connects.
- b. Driveway entrances shall be located at least five (5) feet from side lot lines, except that a joint use driveway may be allowed in nonresidential zoning districts if approved by the reviewing body and if established by legal instrument. In residential districts, the building official may approve such joint use driveways, if they do not violate the intent of this section or any other part of this ordinance.

2. *Location/Number of Driveway Entrances.* (As amended by ordinance no .2006-3) *In order to promote traffic safety by limiting points of vehicular conflict, driveway entrances shall be located in accordance with the following provisions, except where more stringent requirements are mandated by the Tennessee Department of Transportation:*

- a. *Number.* *The maximum number of permitted access points for all multi-family, commercial, and industrial developments requiring a site plan shall be determined by the frontage of the lot, tract, parcel, or undivided development, whichever is the largest land area.*

<i>Frontage</i>	<i>Maximum Number of Access Points</i>
<i>150' or less</i>	<i>1</i>
<i>151' - 500'</i>	<i>2</i>
<i>501' or greater</i>	<i>3</i>

b. Location.

- i. Multiple Driveways. The separation of multiple driveways on one lot shall be governed by the classification of the street which they adjoin and as set out below:

<i>Street Classification</i>	<i>Minimum Distance Between Multiple Driveways</i>
<i>Arterial</i>	<i>200 feet</i>
<i>Major Collector</i>	<i>150 feet</i>
<i>Minor Collector</i>	<i>100 feet</i>
<i>Residential</i>	<i>40 feet</i>

- ii. Separation From Street Intersections. Access points shall be located at the furthest point practical from the intersection of two or more streets. In no case shall the distance of separation be less than eighty (80) feet, measured between the nearest edges of the driveway and the right-of-way of the intersecting street.
- iii. Gradient. Access points shall not exceed a gradient of three (3) percent from the edge of the traveled lane for a distance of fifteen (15) feet, or to the edge of the right-of-way, whichever is greater
- iv. Non-Conforming Lots of Record. A single point of access shall be permitted for any nonconforming lot of record along a roadway. The further subdivision of the lot is permitted, provided all lots are accessed to the roadway by a single point of access.
- v. Corner Lots. Corner lots shall be accessed from the lesser-traveled road except in instances where such access would create an undue hazard to public safety.

- c. Shared Drives and Frontage Roads. Where there are several adjacent roadside properties under single ownership, each with relatively limited frontage, or where there is probability of such development, the planning commission shall encourage the provision of a shared driveway or frontage road to access individual driveways so as to reduce the number of separate connections to the highway.

d. Width of Driveway (W).

- i. Residential. 10' minimum; 20' maximum.
- ii. Commercial. 12' minimum; 20' maximum for one-way use
24' minimum; 30' maximum for two-way use
40' maximum where two lanes needed for egress

- e. **Driveway Angle (Y).**
 - i. **Two-Way.** 90 degrees to centerline of roadway
 - ii. **One-Way.** 90 degrees to centerline of roadway from one-way driveways with two-way turning movements; 45-60 degrees from one-way driveways with traffic turning only in one direction onto a divided highway with median, or, onto a one-way street.
 - f. **Radius of Curvature (R).**
 - i. **Residential.** 5' minimum; 15' maximum.
 - ii. **Commercial.** 20' minimum; 30' maximum.
3. **Driveway Entrance Construction Standards/Stormwater Management.** All driveway entrances shall have a paved surface from the edge of the street's pavement to the outer limit of the right-of-way. In all instances, driveway entrances shall be designed and installed to properly accommodate stormwater runoff. Driveways which connect with a public street shall be constructed with a drainage tile or culvert having a concrete headwall at each end of the tile or culvert.
4. **Special Exceptions.** (As amended by ordinance no. 2006-3) *The Board of Zoning Appeals may grant a special exception to the ingress/egress requirements put forward by the Zoning Ordinance at the request of a town official (such as the town engineer, town fire official, town building official, or town public works official) and the property owner. The official must find that strict adherence to the standards would result in a driveway location that hinders the free flow of traffic or creates a hazard on a public or private way. The exception granted must be the minimum necessary to provide relief and ensure public safety.*

11-407. Vision Clearance. There shall be no plants or structures placed on a lot that would obstruct the vision of vehicular or pedestrian traffic using any adjacent public street.

11-408. Residential Planned Unit Development (PUD) Regulations. A PUD is an alternative means of developing property for residential use which the planning commission may allow or require where flexibility in the standard design requirements of this ordinance are desirable in order to achieve more efficient use of land and public services for the purpose of creating a more desirable living environment.

- 1. **Applicability of PUD Regulations.** Cluster type subdivisions, condominiums, and mobile home parks shall be considered as PUDs for the purpose of this ordinance.
- 2. **Relationship of PUD Regulations to District Regulations.** PUDs shall be permitted in all districts in which residential uses are permitted.
- 3. **General Requirements.** All PUD developments shall comply with the following requirements.
 - a. **Minimum Site.** No PUD shall have an area less than that considered by the planning commission to be adequate for the proposed project; however, the

minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located.

- b. Structures and Open Space. The planning commission shall require structures and open space to be arranged on the site in such a way that adjacent uses will not be adversely affected.
 - i. No freestanding building shall be closer than twenty (20) feet to any other freestanding building or mobile home.
 - ii. The planning commission may require that landscape materials, fencing, and/or berms be installed along the perimeter of the property when it is deemed to be in the public interest to do so.
4. Open Space Requirements. Preservation, maintenance, and ownership of any common open space areas shall be established in an appropriate legal manner.
5. Density Requirements for Residential PUD. The density (units per gross acre) of dwelling units in a PUD shall be no greater than that allowed in the zoning district within which a PUD is located.
6. Street and Utility Construction Standards. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the Louisville Major Road Plan. Whether or not the subdivision of property is proposed within a PUD, all project street and way improvements shall comply with the construction standards set out in the subdivision regulations. Due to the uniqueness of each PUD, the owner/developer of a PUD may request slight adjustments in widths of streets, ways, utility easements, curbing, and similar standards set out in the subdivision regulations; and, upon a determination of good cause being shown for such adjustments, the planning commission may permit changes or alterations in standards, provided the spirit and intent of this section can be preserved.
7. Plan Preparation and Review Process. Applicants for PUD approval shall follow the plan preparation and review process, set out below, except that, the planning commission may modify this process as may be necessary so long as the intent of this section is not violated.
 - a. PUDs Involving the Subdivision of Property.
 - i. PUD Plan/Preliminary Subdivision Plat. In addition to meeting the applicable provisions of the subdivision regulations regarding preparation of a preliminary plat, the PUD plan shall include detailed plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts or legal documents, and other information deemed pertinent by the planning commission. Upon approval of the PUD plan and the preliminary subdivision plat by the planning commission, development may commence with the installation of public improvements. No lots, however, shall be sold until final subdivision plat approval has been granted by the planning

commission with all required improvements having either been installed or appropriate security posted for the installation of such improvements.

- b. PUDs Not Involving the Subdivision of Property. In PUDs in which no individual parcel of property is owned, such as a condominium project, mobile home parks, and similar uses, the following requirements for PUD plan preparation apply:
 - i. PUD Plan. The PUD plan shall include detailed plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than two (2) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, stormwater management plan, and other information deemed pertinent by the planning commission. Upon approval of the PUD plan, appropriate permits may be issued.
8. Changes and Modifications. A PUD project may be changed or modified under conditions established for minor changes and major changes.
- a. Minor changes. The planning commission may approve changes in minor shifts of building locations proposed streets and ways, utilities and easements, recreation and open space areas or other features on the approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.
 - b. Major changes. All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

11-409. Signs. It is the purpose of this section to establish reasonable and impartial regulations for the location of signs within the zoning districts of the town so as to achieve a more aesthetically desirable environment through flexible and diversified standards that provide for adequate light, air, and open spaces and a reduction in congestion and hazardous conditions within the town. Therefore, all signs erected, replaced, constructed, expanded, or relocated on any property within the town shall conform to the provisions of this section.

- 1. General Provisions.
 - a. Plans Required. The building official shall be provided with plans and specifications identifying the location, type, and design of any sign which requires a permit under the provisions of this section.
 - b. Construction Standards. All signs shall comply with applicable provisions of the Southern Standard Building Code. The town strongly encourages the use of wood or natural materials in the design and construction of signs.
 - c. Height. Except as noted in 11-409,3,h., no part of any sign shall exceed ten (10) feet in height.

- d. Setback. No part of any sign shall be placed closer than ten (10) feet to any public right-of-way or any lot line; except that, entrance/exit signs of no more than three (3) square feet in area and extending no more than three (3) feet higher above any entrance/exit are permitted at, but not on, the right-of-way.
2. Prohibited Signs and Advertising Devices. The following types of signs are prohibited in the town:
 - a. Signs which include: action, motion, moving materials, or which have any moving parts including, but not limited to, pennants on a string, streamers, and large inflated balloons; or contain rotating or flashing lights or bulbs; or are intermittently lighted; or interfere with the view of traffic or that could be confused with any authorized traffic control sign, signal or device, with the exception of signs that display time and temperature and public service announcements without advertising matter.
 - b. Signs which advertise an activity, business, product or service not conducted on the premises upon which the sign is actually located, including real estate sales/lease signs, except as set out in Section 11-409,4,b,iii.
 - c. Portable and temporary signs, except as permitted under Section 11-409,3,b.
 - d. Signs which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure. No sign shall cover architectural details such as, but not limited to, arches, sills, moldings, cornices, and transom windows.
 - e. Roof signs, i.e., signs, any part of which, extend beyond the highest point of a roof.
 - f. Internally illuminated signs.
 - g. Projecting signs.
 - h. Signs on public property including utility poles, except those erected by an authorized public entity.
3. Signs Permitted in all Zoning Districts. The following types of signs are permitted in all districts, subject to the conditions set out below and other applicable provisions of this ordinance. These signs do not require a permit.
 - a. Political Campaign Signs. All campaign signs shall be removed by the property owner within fifteen (15) days after the results of an election are certified. All campaign signs must be erected on private property.
 - b. Temporary Special Event Signs. Signs not exceeding thirty-two (32) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than thirty (30) days prior to the event. All special event signs shall be removed by the property owner within seven (7) days of the conclusion of an event.

- c. Parking Areas. Signs internal to parking areas which direct vehicular or pedestrian traffic but bear no advertising. They shall be no larger than three (3) square feet each.
 - d. Construction Site Signs. Signs identifying the project contractor, architect, landscape architect, and/or engineer. Such signs shall not exceed thirty-two (32) square feet in area and shall be removed upon completion of a project or when a permanent on-premise sign is installed, whichever occurs first.
 - e. Real Estate Sale/Lease Signs. No more than two (2) real estate sale or lease signs shall be located on property being offered for sale or rental. Such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days of the sale or lease. Off-premise directional real estate sales/lease signs are not permitted.
 - f. Residential Dwelling Name/Address Signs. For each single family dwelling unit, one (1) nameplate, not exceeding four (4) square feet in area, indicating name, address, house number, and/or home occupation.
 - g. Signs Advertising Agricultural Operation/Products. Signs not exceeding thirty-two (32) square feet in area which identify agricultural activities or products associated with the property on which such sign is located. Signs shall meet setback and construction requirements set out in Section 11-409,1.
 - h. Public and Semi-Public Uses. A bulletin board or similar identification sign not exceeding twenty (20) square feet in display area with a height not exceeding eight (8) above the ground for churches, schools, libraries, or similar public or semi-public uses. Such signs should meet all other requirements regarding setback and construction standards. Any sign associated with a public or semi-public use exceeding twenty (20) square feet in area or eight (8) feet in height shall require a permit, but a fee will not be assessed for such signs.
4. Signs Requiring a Permit.
- a. Residential Districts.
 - i. For subdivisions and PUDs (mobile home parks, apartment complexes, one (1) permanent identification/entrance sign, not to exceed twenty (20) square feet in area nor ten (10) feet in height, is permitted.
 - ii. (As amended, Ordinance # , 8/18/98) For Bed and Breakfast Inns, one (1) permanent identification/entrance sign, not to exceed twelve (12) square feet in area nor six (6) feet in height is permitted.
 - b. Commercial and Industrial Districts.
 - i. Freestanding Signs. One (1) freestanding sign per development, tract, parcel, or lot shall be permitted. Any such sign shall not exceed thirty-two (32) square feet in area per side nor ten (10) feet in height.

- ii. Wall Signs. One (1) square foot of wall sign (per business establishment), i. e., any sign which is painted on, incorporated into, or affixed parallel to the wall of a building and which extends no more than eighteen (18) inches from the building surface, shall be permitted for each lineal foot of building frontage on the street which provides the principal entrance to an establishment. No wall sign shall extend above the building eaves and in no instance shall any wall sign exceed twenty (20) feet in height.
- iii. Off-premises Directional Signs. Off-premises directional signs are permitted on private property to direct traffic to any business, school, church, etc., when such use is located within the corporate limits. No more than two (2) off-premises directional signs shall be permitted per business or institution neither of which shall exceed three (3) square feet in area nor four (4) feet in height.
- iv. Directory Boards. Directory boards containing signs which do not exceed three (3) square feet per individual establishment, *may* be allowed in instances in which the public cannot easily identify the location of a business establishment within a larger development, such as an office building, arcade, etc., from the principal street providing access to such development, as may be the case for businesses located within an office building or arcade. Any such signs allowed shall be of a design and material similar to that of the development's freestanding sign.

11-410. Site Plan and Development Regulations for Commercial, Multi-Family, Public, and Semi-Public Uses. It is the general purpose and intent of this section to require site plans for all new developments or redevelopment of commercial, multi-family, public, and semi-public uses. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Louisville through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These plans shall be approved by the planning commission as consistent with this ordinance and with the comprehensive planning program of the town prior to the issuance of a building permit.

Mobile home parks, condominiums, cluster subdivisions, and other similar types of projects shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 11-408; except that, unless specifically altered by the provisions of Section 11-408 or the use and development regulations contained in Chapters 7 and 8 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUDs.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including, but not limited to, schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review, and shall be prepared in accordance with the provisions of Section 11-408, Chapters 7 and 8, and this section as may be applicable.

A site plan shall set forth the proposed development of the total tract and shall include the following:

1. General Provisions

a. Site plans shall include the following information:

i. Dimensions of the site.

ii. North point, scale, acreage of site, and location map.

iii. Location and dimensions of all existing and proposed structures (including signs), street rights-of-way, sidewalks, and easements.

iv. Plans for vehicular and pedestrian circulation, waste water disposal, utilities, solid waste disposal, landscaping and open space, signs, off-street parking, and stormwater drainage. For newly established uses or significant expansions to existing uses on sites greater than two (2) acres in size, a certified stormwater management plan prepared by an engineer or landscape architect shall be included with the site plan. The plan shall address the manner in which any increase in amount and/or rate of stormwater runoff resulting during a ten-year storm will be managed.

v. Flood hazard areas.

2. Landscaping. Landscaping shall be integrated into the entire site with emphasis on areas within central parking areas, facades, and along property boundaries.

a. Parking Areas. Parking areas shall be screened from all streets and adjacent properties with appropriate plant materials, earthen berms, or any combination to a height of four (4) feet. Landscaped islands containing a minimum of one hundred-twenty (12) square feet shall be strategically located within the parking areas. For every twelve (12) parking spaces or fraction thereof, one (1) island shall be designed into the parking area. Islands shall contain a minimum of one (1) deciduous tree with a minimum caliper of three (3) inches and a height of eight (8) feet at time of installation.

b. Open Space. *(as amended by ordinance no. 2000-4) One (1) deciduous tree, with a minimum three (3) inch caliper and eight (8) feet in height at the time of installation, shall be planted for each four thousand (4,000) square feet of open space, and designed into the entire site at a rate of thirty-five (35) shrubs per acre, or fraction thereof. When located adjacent to residentially zoned property, the planning commission may require the following additional provisions:*

i. *A minimum twenty-five foot planted open space be provided as a visual and noise buffer along all property lines and minor streets that border a residential zone.*

ii. *The open space shall be appropriately landscaped to effectively provide a visual and noise buffer by use of berms and grass, trees, shrubs, or other appropriate plant, and/or opaque fencing, as approved by the planning commission.*

iii. *No off-street parking or drive shall be located in the required buffer area.*

iv. *No accessory building or structures shall be located in the required buffer area.*

c. Landscaping Materials. Material may include trees, shrubs, ground cover, perennials, annuals, art, and the use of building construction materials in a manner that respects the natural topographic and natural features of the site. Unless specified otherwise, plant material selected shall be capable of obtaining the desired height and density within two (2) years of planting.

3. Expiration of Approved Site Plans. Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

11-411. Site Plan and Development Regulations for Industrial Uses. It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted by right or special exception in the industrial districts of the town and shall apply to the expansion or redevelopment of any existing uses within the town's industrial districts. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Louisville through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These site plans shall be reviewed and approved by the planning commission as being consistent with the intent of this ordinance and the comprehensive planning program of the town prior to the issuance of a building permit.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including but not limited to schools, parks, streets, and highways, public buildings, and utilities, shall be submitted to the planning commission for review and shall be prepared in accordance with the provisions of this ordinance, Chapters 7 and 8, and this section, as may be applicable.

A site plan shall set forth the proposed development of the total tract and shall include the following:

1. General Provisions

i. Dimensions of the site.

ii. North point, scale, acreage of site, and location map.

iii. Location and dimensions of all existing and proposed structures (including signs), street right-of-way, sidewalks, and easements.

iv. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signs, off-street parking, and storm water drainage. For newly established uses or significant expansions to existing uses on sites greater than two (2) acres in size, a certified stormwater management plan prepared by an engineer or landscape architect shall be included with the site plan. The plan shall address the manner in which any increase in amount or rate of runoff resulting during a ten-year storm will be managed.

v. Flood hazard area.

2. Landscaping. Landscaping shall be integrated into the entire site with emphasis on areas within central parking areas, facades, and along property boundaries.

- a. Parking Areas. Parking areas shall be screened from all streets and adjacent properties with appropriate plant materials, earthen berms, or any combination to a height of four (4) feet. Landscaped islands containing a minimum of one hundred-twenty (12) square feet shall be strategically located within the parking areas. For every twelve (12) parking spaces or fraction thereof, one (1) island shall be designed into the parking area. Islands shall contain a minimum of one (1) deciduous tree with a minimum caliper of three (3) inches and a height of eight (8) feet at time of installation.
- b. Open Space. *(as amended by ordinance no. 2000-4) One (1) deciduous tree, with a minimum three (3) inch caliper and eight (8) feet in height at the time of installation, shall be planted for each four thousand (4,000) square feet of open space, and designed into the entire site at a rate of thirty-five (35) shrubs per acre, or fraction thereof.*

When located adjacent to residentially zoned property, the planning commission may require the following additional provisions:

- i. *A minimum twenty-five foot planted open space be provided as a visual and noise buffer along all property lines and minor streets that border a residential zone.*
- ii. *The open space shall be appropriately landscaped to effectively provide a visual and noise buffer by use of berms and grass, trees, shrubs, or other appropriate plant, and/or opaque fencing, as approved by the planning commission.*
- iii. *No off-street parking or drive shall be located in the required buffer area.*
- iv. *No accessory building or structures shall be located in the required buffer area.*
- c. Landscaping Materials. Material may include trees, shrubs, ground cover, perennials, annuals, art, and the use of building construction materials in a manner that respects the natural topographic and natural features of the site. Unless specified otherwise, plant material selected shall be capable of obtaining the desired height and density within two (2) years of planting.

3. Emissions.

- a. No use shall create noise, vibrations, dust, odor, or fumes which are in any way harmful to or endanger the health, safety, and general welfare of the public. In the case of uses which are regulated for air, water or other emissions by the Tennessee Department of Environment and Conservation or other agency, any plans and/or permits required by such agencies shall be submitted with the site plan.

- b. Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.
 - c. If the town determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.
4. Expiration of Approved Site Plans. Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

11-412. Site Plans for Individual Single-Family and Duplex Residences. Prior to the issuance of building permit for residential construction or any accessory structure, an applicant shall submit three (3) copies of a scaled site plan to the building official. The planning commission is not required to review such plans, but no permit shall be issued until the building official has reviewed and approved such plan. Site plans for these uses shall include the following information:

- 1. A survey of the property boundaries showing adjacent right-of-ways, if deemed to be necessary by the building official.
- 2. Dimensions and location of the existing and proposed building(s) and location of all setback lines.
- 3. Location of driveway, water lines, and other pertinent natural or man-made features of the site.
- 4. A title block indicating the scale of the site plan, date, property owner, and reference to any subdivision and lot number, tax map and parcel number, and property number, if applicable.
- 5. Plans shall be at least 8 1/2" x 11".
- 6. Lot lines shall be clearly identified on the site prior to beginning construction.

11-413. Temporary, Mobile, Factory-Built, or Factory Assembled Structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to: cars, vans, trucks, or buses), tents and tent-type structures, factory-built or factory assembled structures designed for conveyance after fabrication, either on their own wheels, flatbed truck, or other trailers on any residential, commercial, or industrial lot within the town for the purpose of assembly, or for business, educational, hazardous, institutional, mercantile, residential, or storage occupancies, except as noted herein.

- 1. Permitted Temporary, Mobile, Factory-Built, or Factory Assembled Structures. The following structures shall be allowed subject to the provisions of this and other applicable sections of this ordinance and upon obtaining the proper permits from the building official.
 - a. Mobile homes located in approved mobile home parks and on single lots in the R-1 zoning districts for occupation as dwellings.

- b. Manufactured/modular dwelling units (See Article II for definition) and nonresidential prefabricated structures or modular building units manufactured off-site and transported to the point of use and installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 58, Chapter 36, Part 3, Tennessee Code Annotated.
 - c. Temporary office and storage buildings located on approved construction sites in all zoning districts, provided they are removed upon completion of construction.
 - d. Customary accessory storage buildings in approved residential locations. Mobile homes shall not be considered as customary accessory storage buildings in any residential district nor shall mobile homes be stored upon any lot in a residential district.
 - e. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed.
 - f. Tents or temporary buildings used to sell fresh produce locally grown in Blount County during the growing season or Christmas trees during the holiday season in the R-1 and C-1 districts.
- 2. Replacement of Nonconforming Mobile Home Dwellings. See Section 11-401,4 of this ordinance.
 - 3. Establishment of New or Expansion of Existing Mobile Home and Recreational Vehicle Parks. Expansion of these uses shall be subject to the provisions of Section 11-408 and other applicable sections of this ordinance.

11-414. Customary Home Occupations. The following uses shall be permitted as home occupations within all residential zoning districts, subject to the applicable provisions of the zoning districts and the limitations and requirements set out in subsection 2 below:

- 1. Permitted Home Occupations.
 - a. Arts and crafts made by the owners of the premises.
 - b. Professional offices for architects, real estate brokers, engineers and other contract workers whose businesses rarely require clients to visit the home.
 - c. Teaching, including tutoring, musical instruction, or dancing, but limited to one (1) pupil per teacher at any given time.
 - d. Beauty/barber shops.
 - e. Antique sales.
 - f. Seamstress, interior designer, or caterer.

- g. Any other use which the board of zoning appeals finds to be of similar character.

2. Requirements/Limitations Regarding the Operation of Home Occupations.

- a. Location on Premises. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use.
- b. Exterior Alterations. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence.
- c. Outdoor Display or Storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- d. Employees. No persons other than a member of the immediate family occupying such dwelling, and two (2) persons not a member of such family, may participate in or be employed by such occupation.
- e. Level of Activity. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- f. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- g. Equipment and Production Processes. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation; and, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- h. Signs. No signs accessory to such home occupation shall be displayed except as permitted or authorized by Section 11-409,3,f.

11-415. Swimming Pools.

- 1. Accessory Use to Single-Family Dwellings. Swimming pools as an accessory use to a single-family dwelling are permitted, provided that no part of a swimming pool, including aprons, walks, and equipment rooms, shall be located closer than five (5) feet to any side or rear property line. A fence or wall, five (5) feet in height designed so as to prevent uncontrolled access by children or pets from the street or

adjacent properties into the pool areas, shall be constructed and maintained in good order.

2. Accessory Use Within Multi-Family and other Similar Developments. Swimming pools as an accessory use to a multi-family development, mobile home or recreational vehicle park, or similar uses are permitted. The location and development requirements for swimming pools within such developments shall be governed by the provisions of Section 11-410 of this ordinance.

11-416. Gasoline Service Stations. No gasoline pumps nor any part of a canopy structure shall be located any closer than ten (10) feet to any street right-of-way line.

11-417. Telecommunications Towers. The requirements of this section apply to the placement of commercial transmitting and receiving antennae, including any incidental structures to the antennae. Requirements noted below are meant to prevent harmful impacts upon the community, which can occur as the result of the erection of telecommunications towers. Commercial telecommunications towers must adhere to the following standards.

1. Telecommunications Tower as a Principal Use. For the purposes of the Louisville Zoning Ordinance, a telecommunications tower shall be considered a principal use of land. However, this definition shall not preclude the use of an existing structure or tower for the installation of a telecommunications antenna.
2. The Priority of Co-location. No proposal for the construction of a new telecommunications tower shall be considered under the terms of this ordinance, when an existing structure or tower can be feasibly used for the installation of a telecommunications antenna. Furthermore, approval of the construction of a new telecommunications tower generally shall be contingent on the capability of future installations of additional antennae on such a tower.
3. Application for the Erection of Telecommunications Tower. A request to erect a telecommunications tower within the Town of Louisville shall be submitted to the Building Inspector at the Louisville Municipal Building. If the request consists of an additional antenna placed on an existing structure or tower, without any extension of that structure or tower, and with no construction of new buildings, then the building inspector may determine the conformance of the request with Town regulations. However, if any new tower, extension of an existing structure or tower, or any new telecommunications building is proposed for a site, then the Louisville Planning Commission shall consider the request, and no permit shall be issued without the approval of the planning commission.

Prior to any consideration by the planning commission regarding a telecommunications transmission location, the following must be submitted for the planning commission agenda at least ten (10) days before the meeting at which the telecommunications proposal shall be addressed.

- a. A scaled site plan displaying the location, type, and height of the proposed tower; topographic contour lines at two (2) foot intervals; the locations and dimensions of any proposed or existing buildings on the site; locations of guy wires and their anchor points on the ground; dimensions of property boundaries, nearby rights of way and street names, easements, and significant natural features; proposed or existing access points into the site; a landscape plan, along with indications of any needed screening and fencing, utility lines

or installations in the vicinity of the site; and, the locations of any structures on properties adjacent to the site, including the names of adjacent property owners.

- b. Information collected by the applicant concerning any alternative, existing structures or towers in the Town of Louisville, which might provide for the placement of a telecommunications antenna, without the construction of a new tower. If a new tower is deemed necessary, then the applicant shall provide a notarized statement indicating whether the tower may accommodate additional telecommunications antennas in the future.
4. Setbacks for Towers and Associated Buildings. The placement of any telecommunications tower shall be provided with a setback from each property line equivalent in linear feet to the height of the tower, plus five (5) additional feet. Any building(s) erected on the tower site shall conform with the applicable building setback requirements which apply to the zoning district in which the site is located.
5. Guy Wires and Supports. Guy wires, and associated supports for guy wires, shall be set back a minimum of ten (10) feet from side and rear property lines, and no guy wire shall be allowed within the required front setback.
6. Lighting, Noise, and Color. Lighting for a tower shall not exceed the requirements of Federal and State regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy Federal or State regulations. Lighting in excess of the applicable requirements shall not be permitted.

Insofar as possible, given Federal or State regulations, noise emanating from a tower, or from equipment accessory to it, shall not be audible to adjacent residents. Where such noise may emanate from a tower site, the applicant shall provide evidence for the implementation of measures to mitigate noise on surrounding properties.

Unless mandated by other applicable regulations, tower colors shall be restricted to those which tend to blend into the immediate environment, and which are as inconspicuous as possible.

7. Screening from Public View. Any telecommunications tower approved under these regulations shall be screened along all property lines to a height of ten (10) feet. The material used for screening shall be sufficient to prevent visual observation of the telecommunications site through the material. In addition, the landscaping requirements identified in Section 11-410 of the Louisville Zoning Ordinance shall be followed.
8. Planting of New Vegetation. Where vegetation is installed for tower screening, the time allowed for the installation of landscaping shall not exceed thirty (30) days after the completion of tower construction and associated appurtenances. If seasonal circumstances prevent the planting of vegetation on a tower site, then the building inspector may allow an extension of the thirty (30) day time limit into the next growing season, but for no more than thirty (30) days of that season.

9. Drainage and Erosion Control. Measures to control erosion and drainage on a tower site shall conform to the requirements noted in Section 11-410 of the Louisville Zoning Ordinance.

11-418. Cemeteries. The establishment or expansion of a cemetery shall be considered a semi-public use and shall be subject to the provisions of Section 11-410 and other applicable provisions of this ordinance, except that, all structures and facilities including, but not limited to, mausoleums, graves, burial lots, monuments, and maintenance buildings, shall be set back at least twenty five (25) feet from any side or rear property line, except where other provisions of this ordinance may require a greater setback.

11-419. Grand Openings. (As amended by ordinance no. 2006-5)

1. Location. *Grand opening events may be held only by commercial enterprises located within the C-1 zoning district.*
2. Permitting Process. *Any commercial enterprise wishing to hold a grand opening must apply at Louisville Town Hall for a permit. No fee shall be charged for this permit. The maximum permitted duration for a grand opening event shall be fourteen calendar days in length.*
3. Permitted Signs and Activities. *The holder of a valid Grand Opening Permit may erect temporary signs and structures which exceed the provisions in Section 11-409 of the Zoning Ordinance. However, any signs and activities associated with the grand opening shall in no instance infringe upon public right-of-ways or in any way limit the sight distance or safe circulation of pedestrian or vehicular traffic.*
4. Dismantling. *All temporary signs and structures associated with a grand opening event must be dismantled within two business days of the expiration of the permit.*

CHAPTER 5

APPLICATION OF REGULATIONS

11-501. Use. Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

11-502. Street Frontage. *(as amended by ordinance no. 2003-8) No building shall be erected on a lot which does not meet at least one of the following criteria, except for residential planned unit developments which may be excluded from this provision through the plan approval process for planned unit developments:*

1. *Frontage of at least twenty-five (25) feet on a public street. If an approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved town standards.*
2. *Frontage of at least twenty-five (25) feet on a private joint permanent easement as approved by the Louisville Planning Commission in accordance with the Louisville Subdivision Regulations.*
3. *A single lot provided access by a 25 foot driveway easement as approved by the Louisville Planning Commission in accordance with the Louisville Subdivision Regulations.*

11-503. Corner Lots. For corner lots, the front building setback requirement shall apply to any side of a lot which fronts a street.

11-504. One Principal Use on a Lot. Only one principal use and its customary accessory activities may hereafter occur on any lot.

11-505. Reduction of Lot Size. No lot shall be reduced in area so that yards, lot width, building area, or other provisions of this ordinance shall not be maintained.

11-506. Yard and Other Spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

11-507. Accessory Building and Use Regulations. Buildings and/or uses which are customarily incidental and subordinate in size and function to the principal use of a site are considered to be accessory buildings and/or uses and are permitted on the same lot with a principal use. The establishment of accessory buildings and/or uses shall be subject to the following provisions and other applicable provisions of this ordinance:

1. General Provisions.
 - a. No accessory structure shall be occupied or used unless the principal structure to which it is accessory is occupied or being used.
 - b. If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply with

the requirements of the ordinance applicable to a principal building, such as setback, height, etc.

2. Location.

- a. Residential districts. Except for general farming structures, accessory buildings not exceeding one (1) story or fourteen (14) feet in height, and occupying less than twenty (20) percent of the required rear yard, may be located as close as five (5) feet from the rear property line, except as may be provided for in Chapter 8. No accessory buildings or uses shall be permitted within any required front or side yard, except for perimeter fencing and such items as mail boxes, yard ornaments, and light fixtures located so as not to create a nuisance or safety hazard to neighboring property or the public.
 - b. Commercial and Industrial Districts. The location of accessory uses and structures shall be in accordance with the provisions of Sections 11-410 and 11-411, and Chapters 7 and 8 of this ordinance.
3. Off-Street Parking and Loading Facilities. These facilities shall be located in accordance with the provisions of Sections 11-403 through 11-405.
4. Signs. The size, type, and location of signs shall be governed by Section 11-409 and other applicable sections of the ordinance.

11-508. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

CHAPTER 6

ESTABLISHMENT OF DISTRICTS

In accordance with the intent and purpose of this ordinance, the following zoning district classifications are hereby established:

Residential/Agricultural	R-1 District - Residential and Agricultural
General Commercial	C-1 District - Commercial
Industrial	M-1 District - Light Industrial
Flood	F-1 District - Flood Hazard

The boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning Map of Louisville, Tennessee," and any amendments which may be made thereto. This map is hereby made a part of this ordinance. The official copy of the map shall remain on file at town hall.

Unless otherwise specifically indicated on the map, the boundaries of districts are to be considered property boundary lines, the center lines of streets or such lines extended, the corporate limit lines, or the center lines of streams or other bodies of water. When questions arise concerning the precise location of a district boundary, the Board of Zoning Appeals shall render a decision as to its location in the manner provided for in Chapter 11 of this ordinance.

CHAPTER 7

PROVISIONS GOVERNING USE DISTRICTS

11-701. R-1 Residential and Agricultural. It is the purpose and intent of this district to provide areas that are suitable for low density residential uses, agriculture, and other uses compatible with these uses and to minimize the conflicts between such uses and those permitted in adjoining zoning districts so as to secure for the persons who reside in this district a comfortable, healthy, safe, and pleasant environment in which to live.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Chapters 4, 7, and 8).

1. Permitted Uses.

- a. Agriculture; except that, the keeping or raising of swine, commercial poultry farms, and other types of high intensity commercial livestock operations shall not commence nor expand operations until a sketch plan, as set out in Section 11-1003., has been reviewed and approved by the planning commission.
- b. Single family dwellings.
- c. Single family dwellings, with one (1) accessory apartment.
- d. Mobile homes on single lots.
- e. Mobile home parks developed in accordance with applicable provisions of Section 11-408 and 11-410..
- f. Multi-family dwellings developed in accordance with applicable provisions of Section 11-408 and 11-410.
- g. Publicly owned buildings and uses; schools offering general education; churches; lodges and fraternal organizations; day care homes of seven (7) or less children; country clubs, tennis clubs, and other similar uses which characteristically provide recreation or leisure activities for nearby residents on a membership basis, provided:
 - i. A site plan prepared in accordance with Section 11-410 is submitted to the planning commission for review.
 - ii. All buildings are set back at least fifty (50) feet from side and rear property lines; unless adjacent to property zoned C-1 or M-1.
 - iii. An evergreen plant buffer and/or obscuring fence at least four (4) feet in height is placed along side and rear property lines, if required by the planning commission.
 - iv. The site is located on a street capable of providing safe and convenient access for such uses.

- h. General utility uses, subject to setback requirements set out in Section 11-904 for those uses which exceed the maximum height restrictions of the district.
 - i. Customary home occupations, subject to the requirements of Section 11-414.
 - j. Customary accessory buildings, structures, and uses, subject to the requirements of Section 11-507.
 - k. Signs, subject to the requirements of Section 11-409.
 - l. Off-street parking and access control is required, and shall be developed in accordance with the provisions of Sections 11-403-406.
 - m. Temporary office and storage buildings located on approved construction sites, provided they are removed upon completion of construction.
2. *Special Exception Uses.* The following uses may be permitted after review and a finding of the Board of Zoning Appeals that such use is compatible with surrounding land uses and can be supported with existing infrastructure. In approving such uses, the board may impose reasonable conditions upon its operation to insure its continued compatibility with surrounding uses. Prior to considering a request for a special exception for the following uses, the board shall advertise a public hearing on the matter at least ten (10) days prior to the date of such hearing and shall require the submission of site plan prepared in accordance with applicable provision of Section 11-410:
- a. Residential facilities used for the care of aged or physically handicapped persons.
 - b. Day care centers serving more than seven (7) children.
 - c. (As amended, Ordinance # , 8/18/98) Bed and Breakfast Inns; provided, the following requirements are met:
 - i. Bed and Breakfast Inns shall consist of a single dwelling unit occupied by the owner or innkeeper and not more than five (5) guest rooms where lodging is provided with or without meals for compensation;
 - ii. Only existing structures which are of the same character and are compatible with the surrounding area and intent of the zoning district are used; so long as their integrity and character are not destroyed;
 - iii. A site plan, prepared as regulated in Section 11-410 is reviewed and approved by the planning commission;
 - iv. A planted buffer with a minimum of four (4) feet in height at the time of planting be required to be placed along all side and rear

property lines, or other suitable screening as approved by the planning commission;

- v. Off-street parking requirements in Section 11-403 are met;
- vi. Guest parking located within one hundred feet of a property line shall be screened from view on that side by vegetation;
- vii. Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

3. Prohibited Uses.

- a. Sanitary landfill
- b. Medical waste handling or disposal
- c. Junkyards, commercial or private
- d. Outdoor storage of non-operable and abandoned vehicles with the exception of adequately screened vehicles kept for hobby or cannibalization.
- e. Hazardous materials handling or disposal.
- f. Billboards and portable sign.
- g. Mobile home parks with densities exceeding four living units per acre.

11-702. C-1 General Commercial. The intent of this district is to provide areas for retail trade and services establishments, offices, personal services establishments, and business services establishments oriented primarily toward serving local citizens and other uses compatible with the intent of this district.

Prior to the issuance of any zoning compliance permit, a site plan, prepared in accordance with Section 11-410, shall be submitted to and approved by the planning commission for uses permitted in this district.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Chapters 4, 7, and 8).

1. Permitted Uses.

- a. Retail trade and services
- b. Business, professional, and personal services
- c. Gasoline service stations, including those with convenience stores, and/or with facilities for minor automobile service activities.

- d. Cultural and social activities, including fraternal clubs and lodges.
- e. One (1) dwelling unit, accessory to and part of another use permitted in this district, intended primarily for occupation by a business owner, manager, or security staff.
- f. Publicly owned buildings and uses
- g. Schools offering general education
- h. Churches
- i. Day care centers
- j. General utility uses
- k. Hotel/motels
- l. Wholesale trade (exterior storage prohibited)
- m. Restaurants
- n. Theaters
- o. Building material sales (exterior storage areas must be screened from adjacent properties and public streets)
- p. Financial institutions
- q. Landscaping services
- r. Sales, rental, and service establishments dealing in construction and farming equipment, automobiles, and boats
- s. Customary accessory buildings, structures, and uses, subject to the requirements of Section 11-507.
- t. Signs, subject to the requirements of Section 11-409.
- u. Off-street parking and access control is required and shall be developed in accordance with the provisions of Sections 11-403-406; except that no new off-street parking shall be required for the reuse of existing structures where no additional lot area is available. Any off-street parking that is provided, however, shall meet the applicable provisions of Sections 11-403-406 as closely as is practicable.
- v. Temporary uses, subject to the requirements of Section 11-413.

11-703. M-1 Light Industrial District. The intent of this district is to provide areas for scientific research and development; light manufacturing activities, such as processing, and assembly; storage, warehousing, and distribution; and other light industrial uses which can be located in reasonable proximity to commercial or residential uses without significant adverse impacts and to allow other uses generally compatible with the intent of this district.

Prior to the issuance of any zoning compliance permit, a site plan, prepared in accordance with Section 11-411, shall be submitted and approved by the planning commission.

In order to achieve the purpose and intent of this district, as shown on the zoning map, the following uses are permitted, provided such uses are developed in accordance with site development standards contained in this and other applicable sections of this ordinance. (See especially, Chapter 4, 7, and 8).

1. Permitted Uses.

- a. Scientific research and development establishments
- b. Warehouses
- c. Wholesale trade establishments
- d. Motor freight terminals
- e. Light manufacturing establishments
- f. Food and dairy products processing, excluding slaughter houses
- g. Construction services and materials establishments
- h. Landscaping services establishments
- i. Retail sales to the general public in conjunction with an industrial use only under the following conditions:
 - i. The commodities offered for sale have been manufactured, processed, fabricated, or warehoused on the premises;
 - ii. The retail sales are purely incidental to the industrial use of the property;
 - iii. The amount of area devoted to retail sales is no more than twenty (20) percent of the gross floor area of the main floor of the primary industrial building on the premises, or, four (4,000) square feet, whichever is less.
- j. Retail sales of food and sundry-type items, located within an industrial building or PUD, intended for sale only to the work force within that building or PUD.
- k. Medical clinics and day care centers accessory to an industrial use and intended to provide care primarily to the employees of such industrial use and their families
- l. Light utility uses
- m. Publicly owned buildings and uses
- n. Customary accessory buildings, structures, and uses, subject to the requirements of Section 11-507

2. Prohibited Uses.

- a. Heavy manufacturing (see Section 11-303, Manufacturing, Heavy)

11-704. F-1 Flood Hazard District. The flood hazard district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of the citizens of the town by requiring that uses permitted in the underlying zoning districts be developed in accordance with the provisions of the town's Flood Damage Prevention Ordinance.

CHAPTER 8

AREA, YARD, AND HEIGHT REQUIREMENTS

11-801. Area, Yard, and Height Requirements. (As amended by ordinance 2006-4) For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the Town of Louisville, Tennessee, Zoning Ordinance are hereby established as follows:

<i>Minimum Lot Size</i>				<i>Minimum Yard Requirements from Property Lines (feet)</i>			
<i>District</i>	<i>Area in Square Feet</i>	<i>Square Feet per Additional Family¹</i>	<i>Lot Width at Building Setback</i>	<i>Front Yard</i>	<i>Side Yard²</i>	<i>Rear Yard</i>	<i>Maximum Height (in feet) of Structures³</i>
<i>RA with public water</i>	20,000	20,000	75	<i>See Note 4</i>	10	30	60 – single family 40 other residential
<i>RA with well water</i>	40,000	not permitted	75		25	30	60 – single family 40 - other residential
<i>C-1 abutting residential</i>	N/A	N/A	75		25	30	40
<i>C-1 abutting C-1 or M-1 district</i>	N/A	N/A	75		12	30	40
<i>M-1</i>	N/A	N/A	75		25	30	40

¹ This requirement applies to duplex dwellings, multi-family dwellings, and mobile home parks.

² Different setback requirements set out in Section 11-408. Residential Planned Unit Development (PUD) Regulations, Section 11-410. Site Plan and Development Regulations for Commercial, Multi-Family, Public, and Semi-Public Uses, Section 11-411. Site Plan and Development Regulations for Industrial Uses, and Chapter Seven. Provisions Governing Use Districts shall be adhered to when they are more stringent than the requirements set out in this Chapter.

³ For structures with both commercial and residential uses, the commercial height limit applies to the entire structure.

⁴ <u>Type of Street</u>	<u>Required Front Yard Setback</u>
<i>Residential Streets</i>	30 feet
<i>Minor Collectors</i>	40 feet
<i>Major Collectors</i>	50 feet
<i>Arterials</i>	60 feet

CHAPTER 9

EXCEPTIONS AND MODIFICATIONS

11-901. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of applicable zoning regulations does not own sufficient land to enable him to conform to the yard or other requirements of the zoning regulations, an application may be submitted to the board of zoning appeals for a variance from the terms of the zoning ordinance. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the board of zoning appeals, as is possible.

11-902. Adjoining and Substandard Lots of Records. Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

11-903. Front Yards. The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

11-904. Exceptions on Height Limits. The height limitations of this ordinance shall not apply to any structure not intended for human occupancy, including but not limited to church spires, belfries, cupolas, domes, and chimneys which are and integral part of a structure. Monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, aerials, and other similar structures may exceed the maximum height limitations of the district within which they are located so long as such structures are located no closer to a property line the a distance equal to their own height plus five (5) feet.

CHAPTER 10

ADMINISTRATION AND ENFORCEMENT

11-1001. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings or to commence any grading project when the cost of such activities exceeds \$1,000 until the building official has issued for such work a building or other appropriate permit. Exception from the requirement for obtaining a building permit, however, shall not exempt any person from meeting all applicable standards of this ordinance. Application for a building permit shall be made to the building official.

11-1002. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Official. The building official shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.

11-1003. Application For/Issuance of Building Permits. No building permit for grading or construction shall be issued unless all the applicable provisions of this ordinance have been met. Building permit applications for uses which do not require the approval of site plan or PUD plan by the planning commission prior to issuance of a building permit, i.e., single-family and duplex residential structures, shall be accompanied by a site plan prepared in accordance with the provisions of 11-412. For uses which require review and approval of a site plan or PUD plan, plans prepared in accordance with Section 11-408, 11-410, or 11-411, shall be delivered to the planning staff no later than the seventh day of each month, or on the last regular working day prior to the seventh day of the month in the instance of the seventh day of the month falling on a weekend or holiday, and, shall be approved by the planning commission prior to issuance of applicable permits. If the request for issuance of a building permit is refused, the building official shall state the reason for his refusal in writing.

11-1004. Expiration/Extension of Building Permit Approvals.

1. Expiration of Building Permits. Unless provided for otherwise in this ordinance, building permits shall be null and void one (1) year from the date of issuance, if, in the opinion of the zoning compliance officer, substantial progress is not being made toward completing a development activity as it was approved. Upon the showing of good cause by the permit holder, the zoning compliance officer may grant an extension for up to one (1) and only one (1) six (6) month period, so long as the permit holder applies for such extension at least three (3) weeks prior to the expiration date of the permit.
2. Abandonment of Permitted Projects. Any project for which a building permit has been issued and where an accessory or principal building has only been partially constructed at the end of one (1) year and for which an application for extension has not been submitted, may be subject to being considered as an unsafe and illegal building and may be subject to the provisions of Section 102.4 of the Southern Standard Building Code and any other applicable provisions of this or any other ordinance of the town.

11-1005. Certificate of Occupancy. No land or building or other structure or part thereof shall be occupied until the building official shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the zoning ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building official to make a final inspection, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform to the provisions of the zoning ordinance, or if such certificate is refused, to state the cause for such refusal in writing.

11-1006. Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provision of this ordinance, permits any such violation, fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, special exception, or other such final authorization or approval hereunder, or who erects, constructs or reconstructs any building or structure, or uses any land in violation of any written statement or plan submitted and approved pursuant to this ordinance shall be guilty of a misdemeanor.

11-1007. Penalties. Any persons violating any provision of the ordinance shall be guilty of a Class C misdemeanor, and upon conviction shall be subject to such penalties as may be provided for by law. Each day such violation shall continue shall constitute a separate offense.

11-1008. Remedies. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

CHAPTER 11

BOARD OF ZONING APPEALS

11-1101. Creation and Appointment. A board of zoning appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The board shall consist of five (5) members appointed by the Louisville Board of Mayor and Aldermen. The board members shall be appointed to five (5) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year. Members of the board may be removed from office by the Louisville Board of Mayor and Aldermen for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the Louisville Board of Mayor and Aldermen for the unexpired term of the member affected.

11-1102. Meeting Process. Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

11-1103. Appeals. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the zoning compliance officer based in whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the zoning compliance officer and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The zoning compliance officer shall transmit forthwith to the board all papers constituting the record upon which the action appeal was taken. The board shall set a time for the hearing of the appeal within sixty (60) days after its submittal, give at least a seven (7) day notice of the hearing, as well as due notice to the parties in interest, and decide on the issue within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

11-1104. Powers. The board of zoning appeals shall have all of the following powers, as granted by Section 13-7-207 of the Tennessee Code Annotated:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the building official or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special Exceptions. To hear and decide special exceptions to this ordinance as noted in Articles VI and VIII, make decisions upon any special questions which the Board of Zoning Appeals is authorized to consider under this ordinance, and interpret the zoning map.
3. Variance. To hear and decide applications for variances from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the

strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

11-1105. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building official. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

11-1106. Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

1. *Application.* An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners and existing land uses adjacent to the property in question, and any other material pertinent to the request which the Board of Zoning Appeals may require.
2. *Notice to Property Owners.* Person(s) requesting the special exception shall submit to the Chairman or Secretary of the Board of Zoning Appeals a letter addressed to each owner of property located adjacent to the applicant's property. The letters shall contain information adequate to notify such owners of the nature of the intended special exception. In addition, the letters shall contain information relevant to the date, time and location of the meeting of the Board of Zoning Appeals. Such letters shall be placed in unsealed, stamped, and addressed envelopes ready for mailing by the board's Chairman or Secretary. The return address of the board must appear on the envelope, and a list of all person to whom letters are sent must accompany the application. In addition, the town shall post a sign on the property stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request. However, the sign shall be posted only as a courtesy to the public, and not as a public notice.
3. *Restrictions.* In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of the zoning ordinance.
4. *Validity of plans.* All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification

on the part of the applicant that the proposed use shall conform to such regulations at all times.

5. General Requirements. A special exceptions shall be granted provided that the Board of Zoning Appeals finds that it:
 - a. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
 - b. Will not adversely affect other property in the area in which it is located;
 - c. Is within the provision of "special exceptions" as set out in this ordinance; and
 - d. Conforms to all applicable provisions of this ordinance.

11-1107. Procedures for Variance Requests. The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under the zoning ordinance.

1. Application. After written denial of a permit, a property owner may make application for a variance. Said application shall show the location and intended uses for the site, and the names of the adjacent property owners and existing land uses.
2. Notice to Property Owners. Person(s) requesting the variance shall submit to the Chairman or Secretary of the Board of Zoning Appeals a letter addressed to each owner of property located adjacent to the applicant's property, including any owner of property separated from the property in question only by a right of way. The letters shall contain information adequate to notify such owners of the intended variance. Information relevant to the date, time, and location of the meeting of the Board of Zoning Appeals shall be included. Such letters shall be placed in unsealed, stamped, and addressed envelopes ready for mailing by the Chairman or Secretary of the Board. The return address of the board or town must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application. In addition, the town shall post a sign on the property stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request. However, the sign shall be posted only as a courtesy to the public, but not as public notice.
3. Standards for Variances. In granting a variance, the Board shall ascertain that the following criteria are met:
 - a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the board, do not apply generally in the district.
 - b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
 - c. For reasons fully set forth in the finding of the board, the aforesaid circumstances or conditions are such that the strict application of the

provisions of the zoning ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

- d. The granting of any variance shall be in harmony with the general purposes and intent of the zoning ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

11-1108. Appeals from the Board of Zoning Appeals. Any person, firm or corporation, or any governmental office, department, board or bureau aggrieved by any decision of the board of zoning appeals may seek review by a court of record of such decision.

CHAPTER 12

AMENDMENTS

11-1201. Procedure. The Louisville Board of Mayor and Aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the board of mayor and aldermen may introduce such amendment, or any official, board, or any other person may request an amendment or amendments to this ordinance.

11-1202. Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the planning commission. If the planning commission disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the board of mayor and aldermen to become effective.

11-1203. Amendments to the Ordinance. The regulations and the number or boundaries of districts, established by the zoning ordinance may be amended, supplemented, changed, modified, or repealed by the Board of Aldermen in accordance with the Tennessee Code Annotated as amended, no amendment shall become effective unless it is first submitted to the planning commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the Mayor and Board of Aldermen. The planning commission upon its own initiative may hold a public hearing, public notice of which shall be given, for the consideration of any proposed amendment of the provision of this ordinance, or to the zoning map and shall report its recommendation to the Board of Aldermen. Before enacting any amendment to the ordinance, the Board of Aldermen shall hold a public hearing at any time prior to final reading.

1. Application. Persons wishing to have the ordinance amended shall file an application to the planning commission which shall indicate the proposed amendment to the zoning document and/or amendment to the zoning map. Applications for rezonings shall show the location and existing uses on the site, the names of the adjacent property owners and existing land uses, and any other material pertinent to the request which the planning commission may require.
2. Notice to property owners. Person(s) requesting a rezoning must submit to the Chairman or Secretary of the planning commission a letter addressed to each owner of property located adjacent to the applicant's property, including property separated from the property in question only by a right of way. The letters shall contain information adequate to notify such owners of the intention to rezone the area for which the application is submitted, and when and where a meeting will be held before the planning commission. Such letter should be placed in unsealed, stamped, and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters were sent must accompany the application. In addition, the town shall post a sign on the property, stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request. However, the sign shall be posted only as a courtesy to the public, and not as a public notice.

CHAPTER 13

LEGAL STATUS PROVISIONS

11-1301. Conflict with Other Ordinances and/or Subdivision Regulations. In the case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance or regulations of the Town of Louisville, the most restrictive shall in all cases apply.

11-1302. Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

11-1303. Effective Date. This ordinance shall take effect and be in force following its final passage, and publication of its caption, the public welfare demanding it.

Certified by Planning Commission	3-17-98
Public Hearing Held	6-9-98
Passed on First Reading	5-12-98
Passed on Second Reading	6-9-98
Publication of Caption	7-29-98

Republished Ordinance Approved by the Planning Commission:

Planning Commission
Secretary

Date